

**Board Meeting Minutes  
September 25 & 26, 2003**

**Hilton Los Angeles North/Glendale  
100 West Glenoaks Boulevard  
Glendale, California 91202  
(818) 956-5466**

**Thursday, September 25, 2003**

**Board Members Present:** Gregg Brandow (President), Andrew Hopwood (Vice-President), James Foley, David Fruchtman, William Roschen, Millicent Safran, Elizabeth Warren, Michael Welch, Dale Wilson, and Edward Yu.

**Board Members Absent:** Arthur Duffy and Cindy Tuttle

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Cindy Fernandez (Executive Analyst), Debbie Thompson (Budget Analyst), Janeece Sargis (Examination Analyst), and Howard Brunner (Staff Land Surveyor Consultant).

**Public Present:** See Attached

**1. Roll Call to Establish a Quorum**

The meeting was called to order by President Brandow at 9:10 a.m. Roll call was taken, and a quorum was established.

Mr. Roschen arrived at 9:20 a.m.

**2. Public Comment**

No public comment.

**3. Closed Session**

The Board went into closed session at 9:15 a.m.

**4. Open Session to Announce the Results of Closed Session**

Ms. Christenson reported on the California State-Specific Professional Land Surveyor Examination Results Report. Ms. Christenson also reported that a Task Force has been appointed to look into the LS Examination Education Experience.

Ms. Christenson reported that the Board adopted the results of the take-home examination for the candidates who had previously passed the other portions of the April 2004 examinations.

Ms. Christenson reported that the Board adopted the stipulations regarding William Catlin and Howard Wright, and the Default Decisions regarding Fred Cardenas, Clifford Brown, and Joseph Edgar Alexander.

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, et al. (San Francisco Superior Court Case No. 402996) and Ladislav Peter Petrovsky v. Board for Professional Engineers and Land Surveyors (Los Angeles Superior Court, Case No. BS080673).

**13. Examination/Qualifications**

**a. Approval of NCEES SE II Examination for Comity (Possible Action)**

Ms. Sargis reported that National Council has revised the test plan for the Structural II Examination. The Board needs to consider whether they will consider both the old version and the new version (which is based on the new test plan) when they are considering candidates for comity.

**MOTION:** Mr. Yu/Vice President Hopwood moved to accept both the old and new format of the National Structural II Examination in the future when granting comity for Structural engineers.

**VOTE:** 10-0, motion carried.

**b. Board Policy Regarding Cell Phones/ Digital Watches at Exam Sites**

The Board discussed the new policy that, beginning with the October 2003 test administration, candidates will be prohibited from bringing cell phones and digital watches into the exam room for purposes of preventing exam subversion activity.

With the development of highly technical devices including transmission and photograph capabilities, it is becoming increasingly important to preclude possession of these devices in the exam room.

The Board discussed various ways to address the issue of assisting candidates with keeping time during the test administration and additional methods of preventing exam subversion.

Mr. Yu asked if it would be possible to place clocks strategically throughout the exam room so that candidates could monitor the time. Ms. Christenson and Ms. Sargis stated that it would be difficult since the exam rooms are so large and many of the candidates would not be able to see the clocks.

**c. NCEES List of Banned Calculators (Possible Action)**

The Board reviewed the newly issued list of calculators that NCEES has banned from examination rooms beginning with the April 2004 exam.

Candidates are concerned that they will not be able to use the calculator for the exam that they use everyday in their job, thus putting them at a great disadvantage.

The Board expressed concern regarding how proctors would be able to determine an appropriate calculator from an inappropriate calculator.

Ms. Warren asked if it would be feasible to purchase simple calculators for candidates to use during the exam. Ms. Christenson expressed that that would be difficult since candidates would need those calculators ahead of time in order to become familiar with how to operate them.

**MOTION:** Ms. Safran/Vice President Hopwood moved to have the Board send a letter to NCEES opposing the new policy of additional banned calculators.

**VOTE:** 10-0, motion carried.

**d. Unsecuring of the Structural, Geotechnical and Land Surveyor Examination Essay Questions (Possible Action)**

The Board discussed unsecuring (using only once) design problems on the Structural, Geotechnical, and State-Specific Land Surveyor examinations.

The greatest *advantage* to unsecuring exam items would be to prevent any exam subversion activity from occurring on the exams since the items would not be used again.

The greatest *disadvantage* to unsecuring exam items would be that there would not be any psychometric statistics available from year to year on how a specific problem performed.

Ms. Safran mentioned that since pass rates continue to be somewhat low, it does not appear that candidates are gaining significant access to exam problems ahead of time.

Additional pros and cons of this concept were discussed by Board members.

**MOTION:** Ms. Safran/Mr. Welch moved to continue to keep Structural, State-Specific Land Surveyor, and Geotechnical examinations secure and actively pursue security breaches through enforcement of exam subversion cases.

**VOTE:** 9-1, motion carried. President Brandow – nay.

#### **14. Administration**

##### **a. Fund Condition (Possible Action)**

Ms. Thompson reported on the changes to the fund condition dated September 8, 2003. Ms. Thompson pointed out two corrections to the Fund Conditions: 1) the FY 2002-03 column should be identified as “Actual;” and 2) footnote #2 should read “Revenue for Fiscal Year 2003-04 and 2004-05 based on program estimates.”

##### **b. FY 2003/04 Budget (Possible Action)**

Based on the expense reports, Ms. Thompson reported that there is a projected \$27,762 in excess budgeted funds available after projected expenditures for this FY. The projected expenditures include a 12% required personal services expense cut. Only \$193,000 of this cut is included as a reduction to the Board’s projected expenditures because \$68,000 will be retained within the budget to cover employee statewide general salary increases that became effective July 1, 2003. Ms. Thompson pointed out that this cut is proposed and it’s highly likely no decisions will be made regarding the final cuts by the Governor’s Office until after the October 2003 election.

##### **c. Land Surveyor Contract (Possible Action)**

Ms. Thompson reported that the Board received five proposals for the Land Surveyor Request for Proposal (RFQ). Interviews were held September 18, 2003. One proposal was rescinded prior to the interviews. Mr. Howard Brunner received the highest score and was also able to meet the Board’s cost requirements.

**MOTION:** Vice President Hopwood/Mr. Foley moved to approve an award of the Land Surveyor Contract to Howard Brunner for the contract period January 2, 2003 to December 31, 2005.

**VOTE:** 10-0, motion carried.

**d. FY 2004-05 Budget Change Proposal for NCEES Grading Fee Increases. (Possible Action)**

Ms. Thompson reported that the BCP amount has increased at the recommendation of DCA from \$207,000 to \$293,000 to include funding for future FY cost increases the Board will experience for NCEES exam population growth. The BCP was submitted to Department of Finance (DOF) September 12, 2003 for review. DOF's decision on this BCP should be available by November 2003.

**e. Pass through to National Organization of Exam Application Fees. (Possible Action)**

As requested by Board members at the June 26, 2003 Board meeting, Ms. Thompson reviewed an issue memo that would require NCEES exam applicants to pay their NCEES exam fees directly to NCEES. Such a change would require applicants first to submit an application to the Board for evaluation along with a fee to cover the application review, the state-specific exam and the exam test administration costs. NCEES indicated they would process the fees directly but would require a fee of approximately \$25 per applicant. This proposal would require legislative approval, regulatory changes and BCP approval to reduce the Board's budget for the reduction in NCEES contract fees. Legislation would need to be introduced prior to the February 2004 legislative bill deadline.

The benefit of this proposal is that the Board would no longer experience the budget problems associated with unfunded exam population increases and the Board could also offer the national Structural and national Land Surveyor exams twice each year. The negative aspect to this proposal is that exam applicants who take both the state-specific and the NCEES exams together will pay a higher fee than the \$275 amount now paid the Board. This is because they'll be required to not only pay the Board the cost per applicant for the state-specific developed exams, but will also pay NCEES's fees directly. For certain exams, such as the Structural, this could be significant because NCEES's structural exam fee is \$395 per applicant and the Board's cost to develop the Structural state-specific is approximately \$400 per applicant.

Ms. Thompson pointed out that since the Board has cut all other expenditures over the last two FYs to cover exam population cost increases, the only other alternative available now is a reduction in the number of exams offered by the Board each year. Ms. Thompson reported that before the Board can provide specific fee amounts for this proposal, FY 2003-04 expenditures must be thoroughly analyzed and incorporated into the Exam Program's cost detail.

**MOTION:** Vice President Hopwood/Mr. Foley moved to approve the concept of this proposal and request Ms. Thompson provide detailed exam application fee structure alternatives to consider at the January 2004 Board meeting.

**VOTE:** 10-0, motion carried.

- 10. Hearing on the Petition for Reinstatement of Revoke License of John H. Hansen [OAH No. 2003080303] The hearing on the Petition will be held on Thursday, September 25, 2003, beginning at 1:00 p.m., or as soon thereafter as the matter may be heard.**
- 11. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)] – This Closed Session will be held immediately following the hearing on the Petition.**

The Board heard the Petition for Reinstatement of Revoke License of John H. Hansen and then met in Closed Session to decide the matter. Administrative Law Judge Paul Hogan, who presided at the hearing, will prepare the written decision of the Board for the signature of Board President Brandow. The written decision will then be served on the parties.

**Friday, September 26, 2003**

**Board Members Present:** Gregg Brandow (President), Andrew Hopwood (Vice-President), James Foley, David Fruchtman, William Roschen, Millicent Safran, Cindy Tuttle, Elizabeth Warren, Michael Welch, Dale Wilson, and Edward Yu.

**Board Members Absent:** Arthur Duffy

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Nancy Eissler (Attorney General Liaison Analyst), Cindy Fernandez (Executive Analyst).

**Public Present:** See Attached

**1. Roll Call to Establish a Quorum**

The meeting was called to order by President Brandow at 9:10 a.m. Roll call was taken, and a quorum was established.

**2. Public Comment**

No public comment.

**5. Approval of Consent Items (Possible Action)**

**a. Approval of the Minutes of the August 21, 2003, Board Meeting.**

**MOTION:** Vice President Hopwood/Ms. Safran moved to approve the minutes of the August 21, 2003, Board Meeting.

**VOTE:** 11-0, motion carried.

**b. Approval of Candidates for Certification/Licensure. (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

**MOTION:** Vice President Hopwood/Mr. Wilson moved to approve candidates for licensure and certification based on examination results, including successful appeal results and take home examination results, approved in closed session.

**VOTE:** 11-0, motion carried.

**6. Approval of Delinquent Reinstatements.**

There were no Delinquent Reinstatements.

**7. Comity and Temporary Authorization Applications (Possible Action)**

**MOTION:** Vice President Hopwood/Mr. Fruchtman moved to approve the Amended Handout Comity List.

**VOTE:** 11-0, motion carried.

**8. Title Act Study Report & Task Force (Possible Action)**

President Brandow reported that the Title Act Study Task Force met on Thursday, September 25, 2003.

The Board heard testimony from the public regarding the Title Act Study.

The next Task Force Meeting will be held on November 13, 2003, in Sacramento. There will also be Task Force meetings on December 19, 2003, in San Diego and on January 28, 2004, in Monterey.

**9. Recommendation to Review and Approve the New Structural Engineering Examination Test Plan to be Implemented in 2004 and Used for Subsequent Examinations (Possible Action)**

Ms. Christenson reported that the Board contracted with the Chauncey Group International to conduct an occupational analysis beginning in January 2003 to develop a new Test Plan for Structural Engineers.

Ms. Christenson also reported that the Test Plan needs to be updated every 5-7 years.

The Test Plan weights were reviewed by the Subject Matter Experts and recommended for Board approval. If adopted, the new Test Plan will be used for the development of the October 2004 Structural Engineers Examination. However, prior to the beginning of the examination development, Board staff will conduct a meeting with Subject Matter Experts to review and recode the existing item bank to match the new Test Plan.

**MOTION:** Vice President Hopwood/Mr. Yu moved to approve the Structural Engineering Examination Test Plan (outlined in Appendix J).

**VOTE:** 11-0, motion carried.



**12. Legislative**

- a. Discussion of Legislation for 2003, including but not limited to, AB 827, AB 1265, SB 31, SB 360, SB 864 and SB 1078 (Possible Action)**

Vice President Hopwood reported on this item.

All the bills that the Board is supporting have passed through the Legislature.

- b. Status of Regulations**

No update was given.

**15. Technical Advisory Committee Reports**

**(No Committee Meetings were held.)**

- a. Board Assignments to TACs (Possible Action)**

No assignments were made to the TACs.

- b. Appointment of TAC Members (Possible Action)**

**MOTION:** Vice President Hopwood/Mr. Yu moved to appoint Mr. Kinhai as a member of the Structural Engineering Technical Advisory Committee for a term that expires on June 30, 2005.

**VOTE:** 11-0, motion carried.

**16. Liaison Reports (Possible Action)**

- a. ABET**

Vice President Hopwood reported on the Board assignments for the upcoming ABET visits.

- b. NCEES**

No report given.

- c. Technical and Professional Societies**

No report given.

**17. President's Report**

No report was given.

President Brandow presented a Proclamation to Past President Safran.

**18. Executive Officer's Report**

1. **Administration Report**
  - a. **Executive summary report**

Ms. Christenson reviewed the reports contained in the agenda package.

Ms. Christenson reported that the Organization Record Form Information Page has been added to our Website.
  - b. **State budget**

Ms. Christenson reported that certain Agency's and Board's will be affected by the 20% budget cut, but our Board will not be affected.
2. **Personnel**
  - a. **Hiring freeze**

Ms. Christenson reported that the hiring freeze is still in effect.
  - b. **Vacancies**

No report given.
3. **Enforcement/Examination/Licensing**
  - a. **College Outreach**

Ms. Christenson reported that Ms. Crawford will be starting up Outreach Program now that school is in session.
  - b. **Report on Enforcement Activities**

Ms. Christenson reported that this is being done on an, "As Needed Basis".
  - c. **Report on Examination Activities**

Ms. Christenson reported that the Examinations will be given October 24 & 25, 2003 and she encouraged all Board members to attend an examination site if possible.
4. **Publications/Website**
  - a. **Website activity**

No report given.
  - b. **Bulletin/Newsletter**

No report given.
  - c. **Law Publication**

No report given.
5. **Sunset Review & Report**

Ms. Christenson thanked Joanne Arnold, Nancy Eissler, and Celina Calderone for all their hard work on the Sunset Review Report.

Ms. Christenson explained that the report has been submitted to the Legislature, and the next step is for hearings to be scheduled before the Joint Legislative Sunset Review Committee.

Ms. Warren also complimented staff on the thoroughness of the report. The Board thanked staff for all of their work on the report.

**6. Other**

- a. DCA update**  
No report given.

**19. Approval of Board Travel (Possible Action)**

**MOTION:** Vice President Hopwood/Mr. Fruchtman moved to approve Board Travel for the ABET Visits.

**VOTE:** 11-0, motion carried.

**20. Other Items Not Requiring Board Action**

- a. Next Board meeting: November 14, 2003, Sacramento, CA**  
Ms. Eissler reported that there will be a Petition Hearing at the November 14, 2003, Board meeting.

The Title Act Study Task Force meeting will be held on November 13, 2003, in Sacramento.

**21. Adjourn**

The Board adjourned at 10:10 a.m.

## **PUBLIC PRESENT**

Tom Stout, CSPE

George Shambeck, CLSA

Steven Tietsworth, Center For Public Interest Law, University of San Diego